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1985 Human Rights Report

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The following introduction by Richard Schifter, Assistant Secretary for Human Rights and Humanitarian Affairs, is excerpted from the Country Reports on Human Rights Practices for 1985.[1]

INTRODUCTION

This report is submitted to the Congress by the Department of State in compliance with Sections 116(d)(1) and 502B(b) of the Foreign Assistance Act of 1961, as amended. The legislation requires human rights reports on all countries that receive aid from the United States and all countries that are members of the United Nations. In the belief that the information would be useful to the Congress and other readers, we have also included reports on countries such as Switzerland, which are not technically covered in the congressional requirement.

In compliance with a new legislative requirement in Section 505(c) of the Trade Act of 1974, as amended by Title V of the Trade and Tariff Act of 1984 (Generalized System of Preferences Renewal Act of 1984), the 1985 reports include additional information on worker rights. While the legislation requires reports on worker rights in developing countries that are beneficiaries under the Generalized System of Preferences, in the interest of uniformity, and to provide a ready basis for comparison, we have continued our practice of applying the same reporting standards to all countries on which we prepare reports.

This year there are 164 separate reports. Conditions in most countries are described up to the end of 1985; for a few countries, significant developments occurring during the first weeks of 1986 are also included. The guidelines followed in preparing the reports are explained in detail in Appendix A. In Appendix B is a discussion of worker rights reporting. Appendix C contains a list of 12 international human rights covenants and agreements. Appendix D is an explanation of the statistical tables following reports on countries which received United States bilateral assistance or multilateral development assistance within the last 3 fiscal years.

Definition of Human Rights

Human rights, as defined in Section 116(a) of the Foreign Asistance Act, include freedom from torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges, disappearance due to abduction or clandestine detention, or the flagrant denial of the rights of life, liberty, and the security of person. Internationally recognized worker rights, as defined in Section 502(a) of the Trade Act, include (A) the right of association; (B) the right to organize and bargain collectively; (C) a prohibition on the use

Section 116(d)(1) of the Foreign Assistance Act provides as follows:

The Secretary of State shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, by January 31 of each year, a full and complete report regarding—

(1) the status of internationally recognized human rights, within the meaning of subsection (a)—

(A) in countries that received assistance under this part, and

(B) in all other foreign countries which are members of the United Nations and which are not otherwise the subject of a human rights report under this Act.

Section 502(B)(b) of the Foreign Assistance Act provides as follows:

The Secretary of State shall transmit to Congress, as part of the presentation materials for security assistance programs proposed for each fiscal year, a full and complete report, prepared with the assistance of the Assistant Secretary for Human Rights and Humanitarian Affairs, with respect to practices regarding the observance of and respect for internationally recognized human rights in each country proposed as a recipient of security assistance.

Section 505(c) of the Trade Act provides as follows:

The President shall submit an annual report to the Congress on the status of internationally recognized worker rights within each beneficiary developing country.

[1]The complete report documents human rights practices in more than 160 countries of the world. It may be purchased for $22.00 (GPO stock no. 052-070-06081-6) from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (tel: 202-783-3238). Remittance must accompany order.

of any form of forced or compulsory labor; (D) a minimum age for the employment of children; and (E) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health. (Categories A and B are covered in Section 2b of each report, C in Section 1d, and D and E in the discussion of the economic, social, and cultural situation.)

In addition to discussing the topics specified in the legislation, our reports, as in previous years, cover other internationally recognized human rights and describe the political system and the economic, social, and cultural situation of each country. In other words, these reports deal with the basic standards by which to measure a government's relationship to its people. In applying these standards, we seek to be objective. But the reports unashamedly reflect the American view that the right of self-government is the basic political right, that government is legitimate only when grounded on the consent of the governed, and that government thus grounded should not be used to deny people life, liberty, and the pursuit of happiness. Individuals in a society have the inalienable right to be free from governmental violations of the integrity of the person; to enjoy civil liberties such as freedom of expression, assembly, religion, and movement, without discrimination based on race or sex; and to change their government by peaceful means. The reports also take into account the fact that terrorist and guerrilla groups often violate human rights; such violations are no less reprehensible if committed by violent opponents of the government than if committed by the government itself.

We have found that the concept of economic, social, and cultural rights is often confused, sometimes willfully, by repressive governments claiming that in order to promote these "rights" they may deny their citizens the right to integrity of the person as well as political and civil rights. There exists a profound connection between human rights and economic development; and these reports devote extensive attention to the economic, cultural, and social situation in each country in order to provide the full context in which human rights performance may be judged. Experience demonstrates that it is individual freedom that sets the stage for economic and social development; it is repression that stifles it. Those who try to justify subordinating political and civil rights on the ground that they are concentrating on their economic aspirations invariably deliver on neither. That is why we consider it imperative to focus urgent attention on violations of basic political and civil rights, a position given renewed emphasis in 1985 by the 1984 congressional Joint Resolution on Torture. If these basic rights are not secured, experience has shown, the goals of economic development are not reached either.

United States Human Rights Policy

From this premise, that basic human rights may not be abridged or denied, it follows that our human rights policy is concerned with the limitations on the powers of government that are required to protect the integrity and dignity of the individual. Further, it is in our national interest to promote democratic processes in order to help build a world environment more favorable to respect for human rights and hence more conducive to stability and peace. We have developed, therefore, a dual policy, reactive in the sense that we continue to oppose specific human rights violations wherever they occur, but at the same time active in working over the long term to strengthen democracy. It is in this context that I want to pay tribute to my predecessor, Elliott Abrams, Assistant Secretary of State for Human Rights and Humanitarian Affairs from 1981 to 1985, who played a critical role in helping define a consistent and coherent human rights policy that took into account both our country's national interests and the altruistic sentiments of the American people, who want their government to identify itself with decency, fairness, and justice throughout the world.

Mr. Abrams is also to be credited with helping devise a human rights policy that is both realistic and effective, one that seeks real progress toward our human rights goals by using those means that have the greatest chance of success in a given circumstance. In much of the world, the United States has a variety of means at its disposal to respond to human rights violations. We engage in traditional diplomacy, particularly with friendly governments, where frank diplomatic exchanges are possible and productive. Where we find limited opportunities for the United States to exert significant influence in bilateral relations, we resort to public statements of our concerns, calling attention to countries where respect for human rights is lacking. In a number of instances, we employ a mixture of traditional diplomacy and public affirmation of American interest in the issue.

The United States also employs a variety of means to encourage greater respect for human rights over the long term. Since 1983, the National Endowment for Democracy has been carrying out programs designed to promote democratic practices abroad, involving the two major United States political parties, labor unions, business groups, and many private institutions. Also, through Section 116(e) of the Foreign Assistance Act, funds are disbursed by the Agency for International Development for programs designed to promote civil and political rights abroad. We also seek greater international commitment to the protection of human rights and respect for democracy through our efforts in the United Nations and other international organizations.

Preparation of these annual country reports constitutes an important element of our human rights policy. The process, since it involves continuous and well-publicized attention to human rights, has contributed to the strengthening of an international human rights agenda. Many countries that are strong supporters of human rights are taking steps of their own to engage in human rights reporting and have established offices specifically responsible for international human rights policy. Even among countries without strong human rights records, sensitivity to these reports increasingly takes the form of constructive response, or at least a willingness to engage in a discussion of human rights policy. Experience has thus demonstrated that Congress did indeed act wisely in calling upon the State Department to prepare these reports.■

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